

# Lawyer says band councils can't fight Bill C-10 amendment

By Donna Duric  
Writer

Six Nations lawyer Kim Thomas expects Bill C-10 to pass third reading in the House of Commons within the next month.

The anti-smoking legislation, which aims to make trafficking in so-called "contraband" tobacco a criminal offence, was the main topic

of conversation at a recent Turtle Island Trade and Commerce's taxation meeting in the GREAT theatre.

Thomas, a corporate and commercial lawyer, said after Bill C-10 passes third reading in the House, it goes to the Senate after that and, "it's pretty much rubber-stamped at that point."

She said it doesn't seem

like there is a diplomatic solution in sight to resolve native resistance to Bill C-10, also known as the Tackling Contraband Tobacco Act.

"It will likely evolve to a stand-off if you can't find a diplomatic, negotiated resolution," said Thomas.

"Everyone is worried about Bill C-10. It's an attack on our economy with

widespread impacts to our families and unfortunately, no real solutions that are favourable."

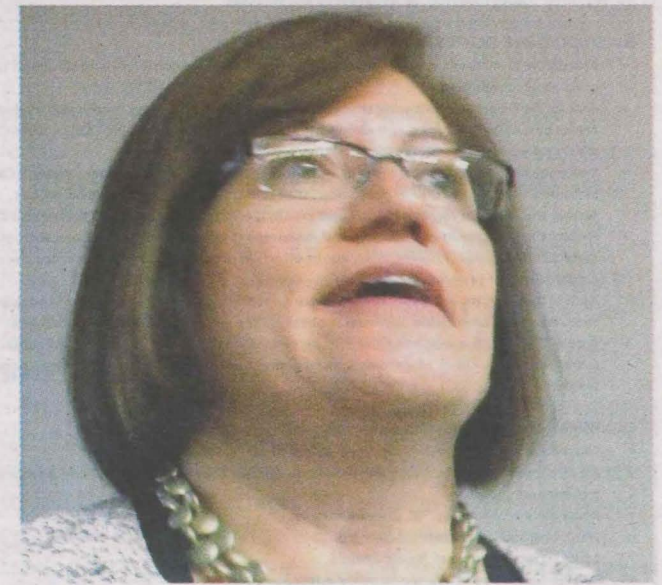
She said because the Bill already passed second reading in the House, there is little opportunity for First Nations input now.

"It's passed second reading. Second reading is usually when you can do

submissions, you can do the process, you can do the lobbying. It's going to probably go through third reading this month and then it's on to

would look like.

Thomas said, "For starters, we have to get our act in order at home. If we go as a national or interna-



Kim Thomas

the Senate.

"This government is pushing this through. I think it's coming. I can't see anything that's going to stop it."

Thomas said Six Nations' options to fight the bill are political or legal.

But Bill Monture, a business owner and member of the Six Nations Men's Fire, said if the community tries to fight the Bill through the legal system, "you're bound to fail. How do we get justice in this country? In my opinion, the only way is to stand up and fight."

Monture said if the RCMP or other police forces try to enforce Bill C-10 on the territory "with arms, I'm not going to let it happen."

Thomas said Six Nations has to prepare for a "stand-off position."

"That's really what it's coming down to. There are no other options under this regime. It's a very oppressive, colonial regime. The Indian Act band council cannot help anything because they're strangleholded by the Indian Act."

TITAC member Audrey Hill agreed with Monture that court is "not an option" and asked what a diplomatic strategy against the Bill

tional delegation I would hope we are speaking with one voice. We don't have that yet. Sadly, they (the government) know that. Six Nations could be one of the most powerful players in the world if we could be on the same page."

She said she can see Bill C-10's implementation resulting in, "injury or death to our people."

She said many non-natives come to Six Nations to purchase goods here, including cigarettes, because of the tax-free savings.

She said there are "watchdogs" spying on businesses on reserve to see how many non-native customers walk in.

"They're (Canada Revenue Agency) expecting you to collect and remit on those taxable sales to non-natives. They're watching who's going in and out of the businesses. We know a lot of non-natives come here because they can purchase tax-free. That's where the profit margin is. If you had to charge them tax, they might as well buy from vendors off-reserve."

Elected Chief Ava Hill has not responded to requests for comment on Bill C-10.